

December 2, 2008

**BOARD OF SUPERVISORS
ACTION ITEM**

**Board Member Initiated Item:
Chairman Scott K. York**

#32

SUBJECT: Initiation of a Comprehensive Plan Amendment (CPAM) to the Loudoun County General Plan's "Planned Land Use" map to designate the property located in the southwest quadrant of Rt. 28 and Rt. 7, consisting of approximately 397 acres and identified by parcel identification numbers 041-29-8238-000, 042-29-6582-000 and 042-490209-000 otherwise known as the Kincora property, from "Keynote Employment" to "Business" with the property to be classified for "Special Activities Area" designation to allow for a minor league baseball stadium.

ELECTION DISTRICT: Broad Run District

CRITICAL ACTION DATE: December 2, 2008

RECOMMENDATIONS: Chairman York and Supervisor Waters recommend approval of this item.

BACKGROUND:

The property known as Kincora (the Property), which is owned by NA Dulles Real Estate Investor, LLC. (the Owner), consists of approximately 397 acres and identified by parcel identification numbers 041-29-8238-000, 042-29-6582-000 and 042-49-0209-000 currently is designated on the General Plan's "Planned Land Use" map (the Map) as "Keynote Employment." The Property is zoned Planned Development – Industrial Park (PD-IP) and administered under the 1972 Zoning Ordinance because of its location within the Rt. 28 Taxing District. This Property, which is strategically located on Rt. 28, is uniquely situated between the Broad Run tributary and Rt. 28 from Rt. 7 to the Rt. 28/Nokes Boulevard interchange.

The Owner is proposing a "Land Use Concept Plan" (the Plan) for the Property that proposes in part to achieve the following:

1. Development of a mixed use community with a minor league baseball stadium as part of its core.
2. Provides for better protection of the environmentally sensitive resources along the Broad Run and the Broad Run floodplain.
3. Dedicates the Broad Run floodplain for as an open space park.
4. Provides for 210 affordable dwelling and workforce housing units.
5. Construction of the Gloucester Parkway and Pacific Boulevard links including bridge crossings over the Board Run.
6. Would provide property to the county for a Rt. 28 Fire & Rescue station near the intersection of Gloucester Parkway and Pacific Boulevard.

In whole, the proposed development Plan is a more unified development of the Property using Smart Growth principles to create a sense of place with a mix of office, retail, lodging, residential and cultural use.

The Owner has filed for a special exception (SPEX 2008-0054) to allow under the existing PD-IP zoning to permit a commercial recreation/minor league baseball stadium and office with ancillary support retail on an approximately 60.27 acres. The Owner has also filed a rezoning application (ZMAP 2008-0021) on the remaining 336.64 acres of the property to rezone from the existing PD-IP District (1972 Zoning Ordinance) to the new PD-MUB District. There also is a pending by-right site plan (STPL 2008-0042) for a flex-industrial building with construction plans and profiles for a portion of Pacific Boulevard extended in the event the SPEX and/or ZMAP applications are not approved.

ISSUES:

1. Does the Board of Supervisors (Board) support the concept of a mixed-use development at this location? If so, a CPAM will need to be initiated by the Board to amend the Map from "Keynote Employment" to "Business" and classify the Property as a "Special Activities Area." The change from "Keynote Employment" to "Business" allows the residential component of the Plan. The classification of the Property as a "Special Activities Area" is needed to support a minor league stadium.
2. Would the Board support Planning Staff scheduling a public hearing of the Planning Commission within 120 days of approval of this item? There are a couple of issues that would give credence to supporting this. First, the Owner has signed a letter of intent with a franchise of the Atlantic League of Professional Baseball to locate a minor league baseball team at Kincora. However, the League is making its planning decisions and needs to know whether a stadium will be permitted on this site. Second, for over a year the Board has struggled to find a suitable location for the Rt. 28 Fire & Rescue site to no avail. The Owner has agreed to dedicate and transfer ownership to the county a Fire & Rescue site within 60 days after approval of a rezoning. The proposed site is off Pacific Boulevard near the Rt. 28/Nokes Boulevard interchange and the Owner has also

agreed to construct temporary access to the site so the station can be constructed and put into service.

JUSTIFICATIONS FOR SUPPORT:

The Chairman is recommending that the Board support this initiative for the following reasons:

1. The Property is designated as "Keynote Employment." Changing the planned land use to "Business" will allow for a more unified development of the Property using Smart Growth principles to create a sense of place with a mix of office, retail, lodging, residential and cultural use.
2. The Plan will be a better and higher use of the Property that will generate more revenue to the county than the current by-right use of the PD-IP zoning.
3. The Property is currently zoned PD-IP and administered under the 1972 Zoning Ordinance, this will give us an opportunity through the public process to provide better protection of the Broad Run tributary, the associated floodplain and other environmental features.
4. The proposed Plan will dedicate the floodplain as an open space park.
5. The Plan would provide for 15% ADUs/Workforce Housing equaling 210 units.
6. With transportation as a high priority of the Board, the Plan provides for the construction of Gloucester Parkway and Pacific Boulevard, including the bridges over the Broad Run.
7. The proposed minor league stadium will provide for a unique entertainment venue and could help to promote tourism and business travel to Loudoun.
8. The Owner will dedicate and transfer ownership to the county of a Fire & Rescue site within 60 days after approval of a rezoning and will construct a temporary access to the site so the station can be constructed and put into service.

No initiation of a CPAM to amend the Comprehensive Plan comes with a guarantee as to the outcome of the Public Process and no guarantee as to the outcome of any subsequent application for rezoning or special exception if such plan amendment passes.

FISCAL IMPACT:

The fiscal impact is somewhat hard to determine. Until May of 2006 policy allowed developer initiated CPAMs. The filing fee was \$1,600 for the first 200 acres plus \$7.50 for per acre above over 200. If the old fee schedule is used as an indicator, the fiscal cost would be \$3,077.50. While this is a Board initiated CPAM, the Owner has said they would contribute \$5,000 to help defray cost of processing the CPAM.

STAFF RESOURCES:

As a result of the discussions regarding the strategic plan, staff has already programed this potential CPAM effort into the workload schedule as a 9 month work program.

ALTERNATIVES:

Support the existing land use plan and PD-IP zoning on this property as administered under the 1972 Zoning Ordinance.

DRAFT MOTION(S):

I move that the Board of Supervisors initiate a Comprehensive Plan Amendment (CPAM) to the Loudoun County General Plan's "Planned Land Use" map to designate the property located in the southwest quadrant of Rt. 28 and Rt. 7, consisting of approximately 397 acres and identified by parcel identification numbers 041-29-8238-000, 042-29-6582-000 and 042-49-0209-000 otherwise known as the Kincora property, from "Keynote Employment" to "Business" with the property to be classified for "Special Activities Area" designation to allow for a minor league baseball stadium.

and

I further move the Board of Supervisors direct that the Planning Commission's Public Hearing be scheduled within 120 days of approval of this item.

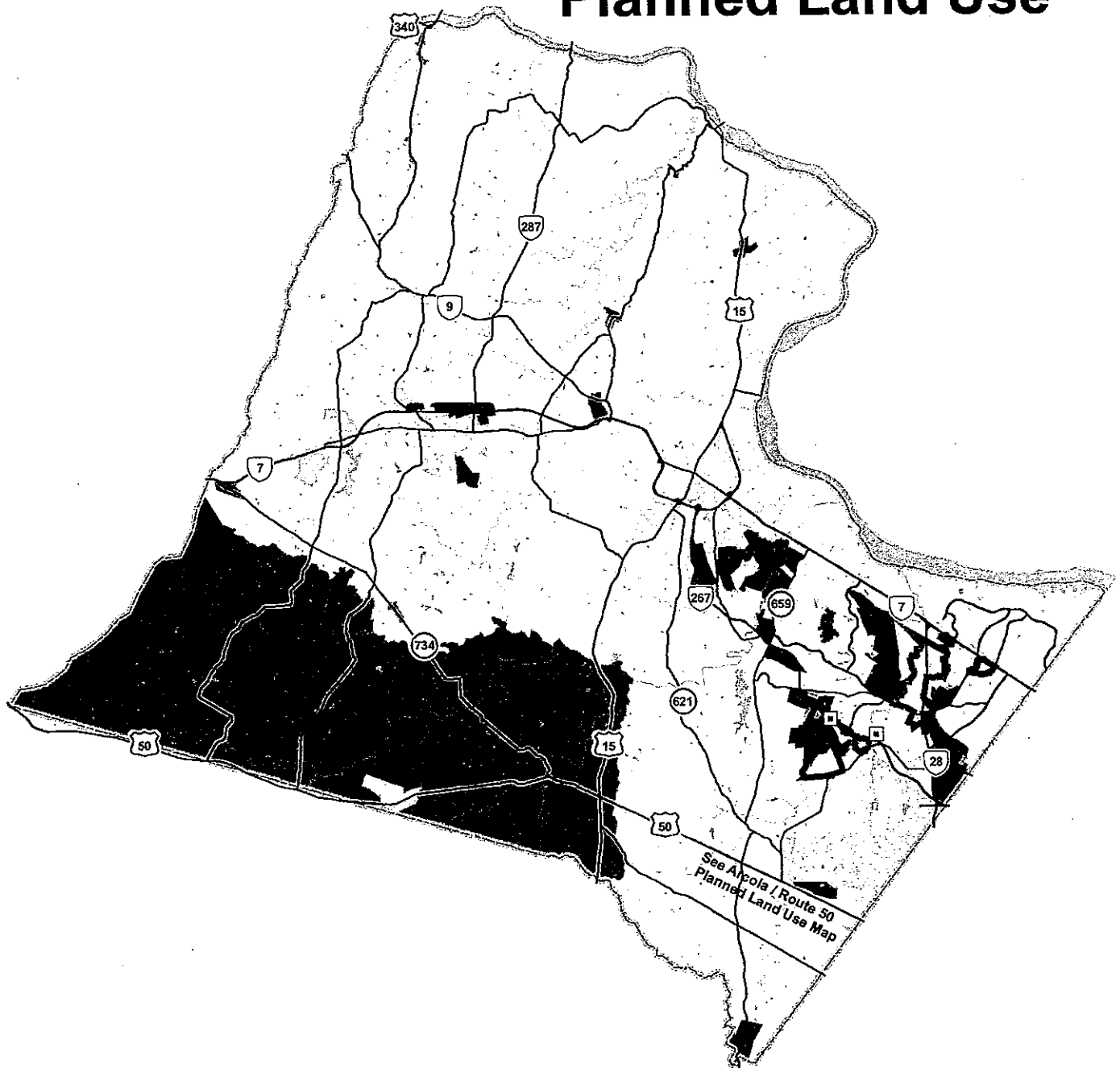
ATTACHMENTS:

1. Countywide Comprehensive "Planned Land Use" map – 1 page
2. Planned Land Use map for Rt. 28 & Rt. 7 geographic area - 2 pages
3. Environmental map – 1 page
4. 10-30-07 Staff Report for ZMAP 2006-0016 Kincora – 26 pages
5. Paul Brown email regarding Fire and Rescue site – 1 page
6. Email from John McGranahan confirming access to Fire and Rescue site – 1 page
7. Developer proposed Concept Plan 1 page

POINT OF CONTACT:

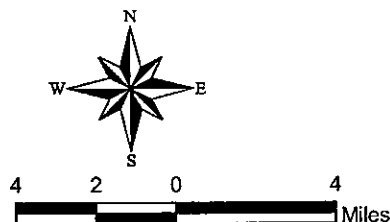
Chairman Scott York, Loudoun County Board of Supervisors

Planned Land Use



Planned Land Use

- Towns/Airport
- Residential
- High Density Residential
- Business
- Keynote Employment
- Industrial
- Extractive Industry
- Corridor Retail
- Existing Rural Village
- Transition
- Rural - (Base Density 1 du/20 acres)
- Rural - (Base Density 1 du/40 acres)
- Rural - (Within Town JLMA)



- ★ Urban Center
- Major Roads
- Potential Transit Node Location
- ▭ Destination Retail Areas
- ▭ Special Activities Area
- ▭ County Boundary

Notes:

Revised July 23, 2001, amended through December 5, 2006.
This map represents generalized planned land use and does not reflect existing zoning or land use.

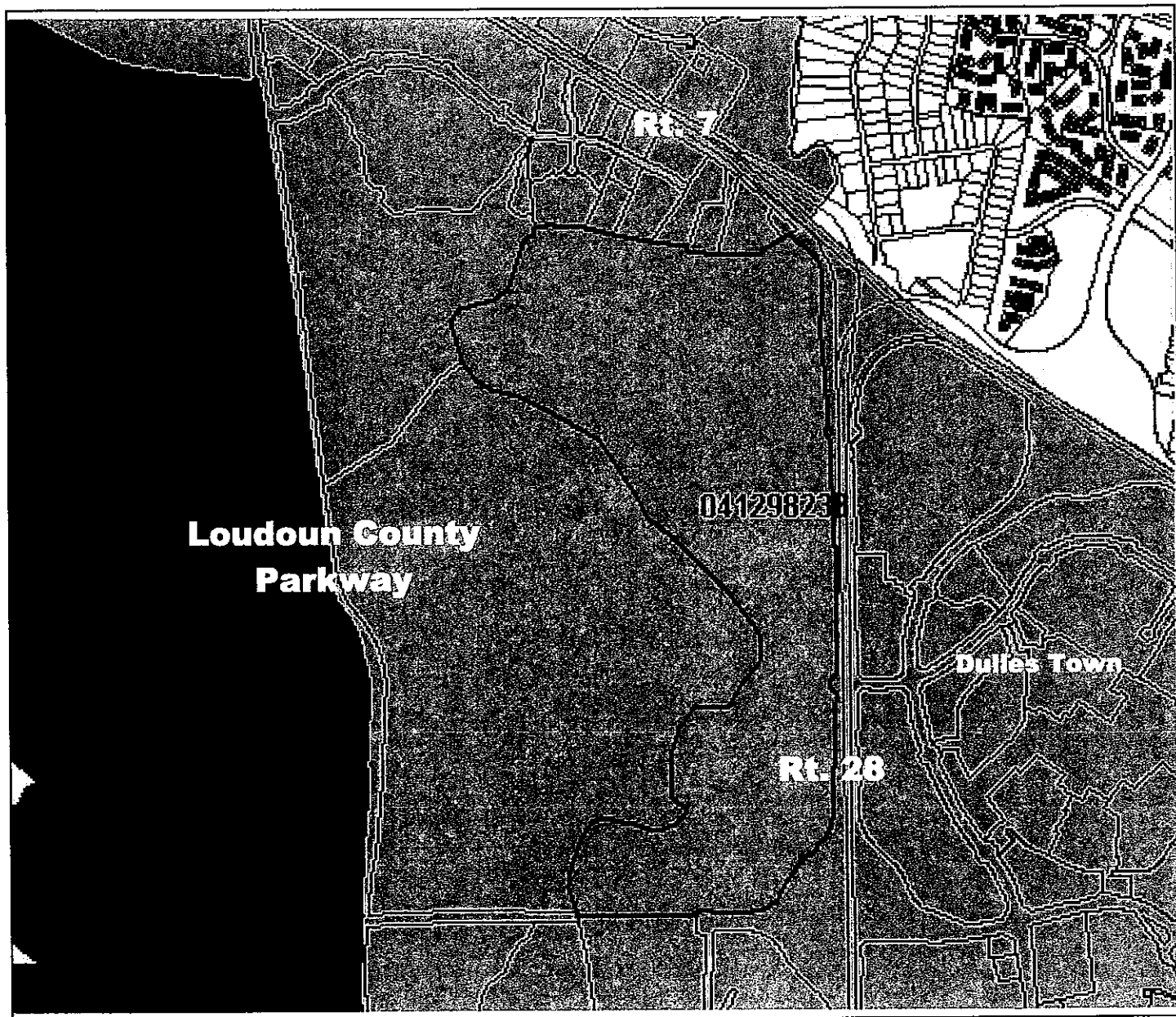
Land uses within Purcellville JLMA subject to Purcellville Urban Growth Area Management Plan.

For illustrative purposes, the centerline of Highways and the Dulles Greenway are shown as boundaries between Planned Land Uses. This is not meant to imply that the Comprehensive Plan supports the development of any land use within the road right of way.





This map reflects CPAM revisions CPAM 2004-0007, CPAM 2004-0008, CPAM 2004-0009, CPAM 2004-0025, CPAM 2004-0026, CPAM 2005-0005, CPAM 2005-0007, CPAM 2006-0002.

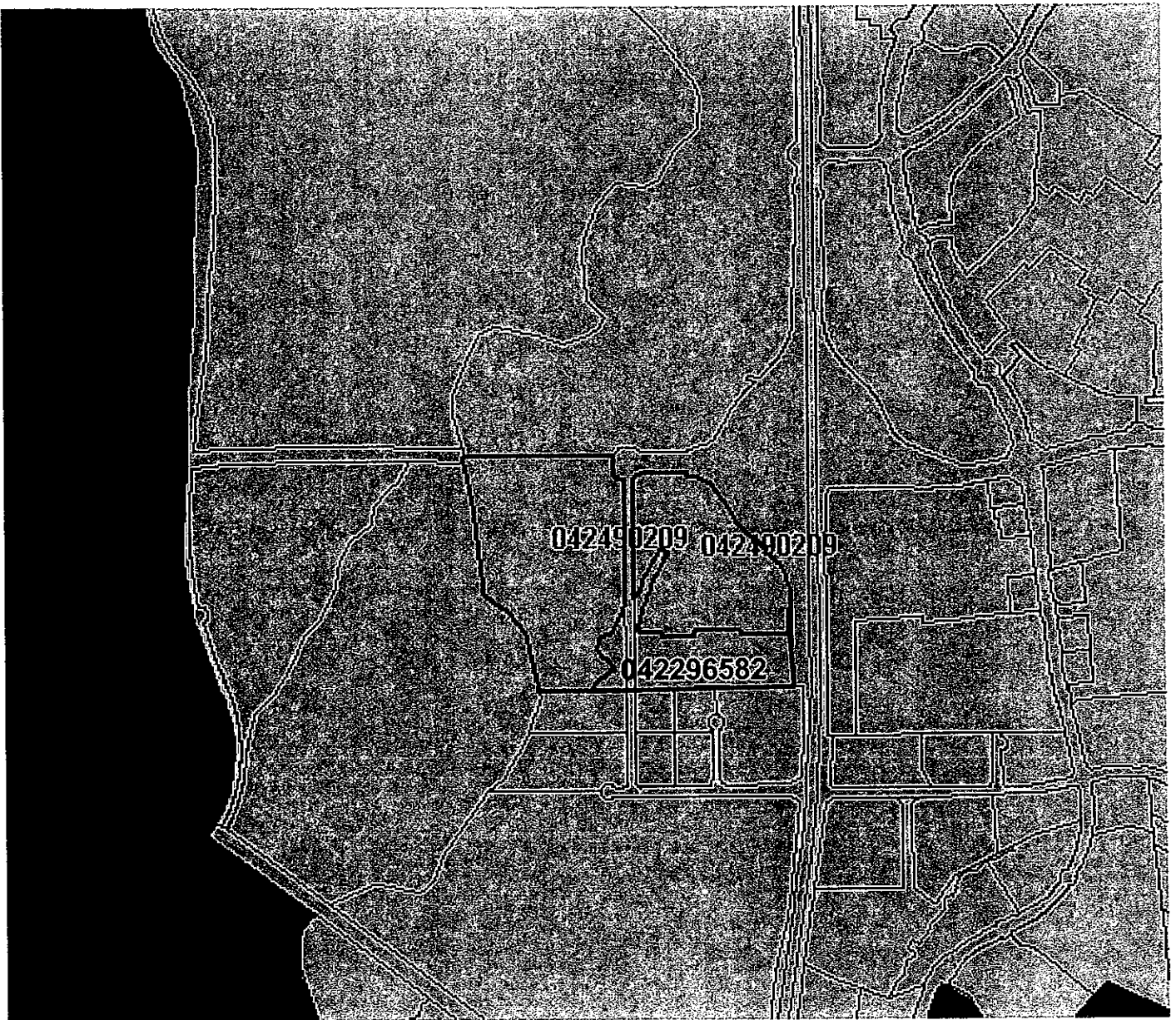
For land uses in the Arcola Route 50 area please use the Arcola / Route 50 Planned Land Use Map.

Source: Loudoun County Planning Department and Office of Mapping and Geographic Information
Map Number 2007-019SM

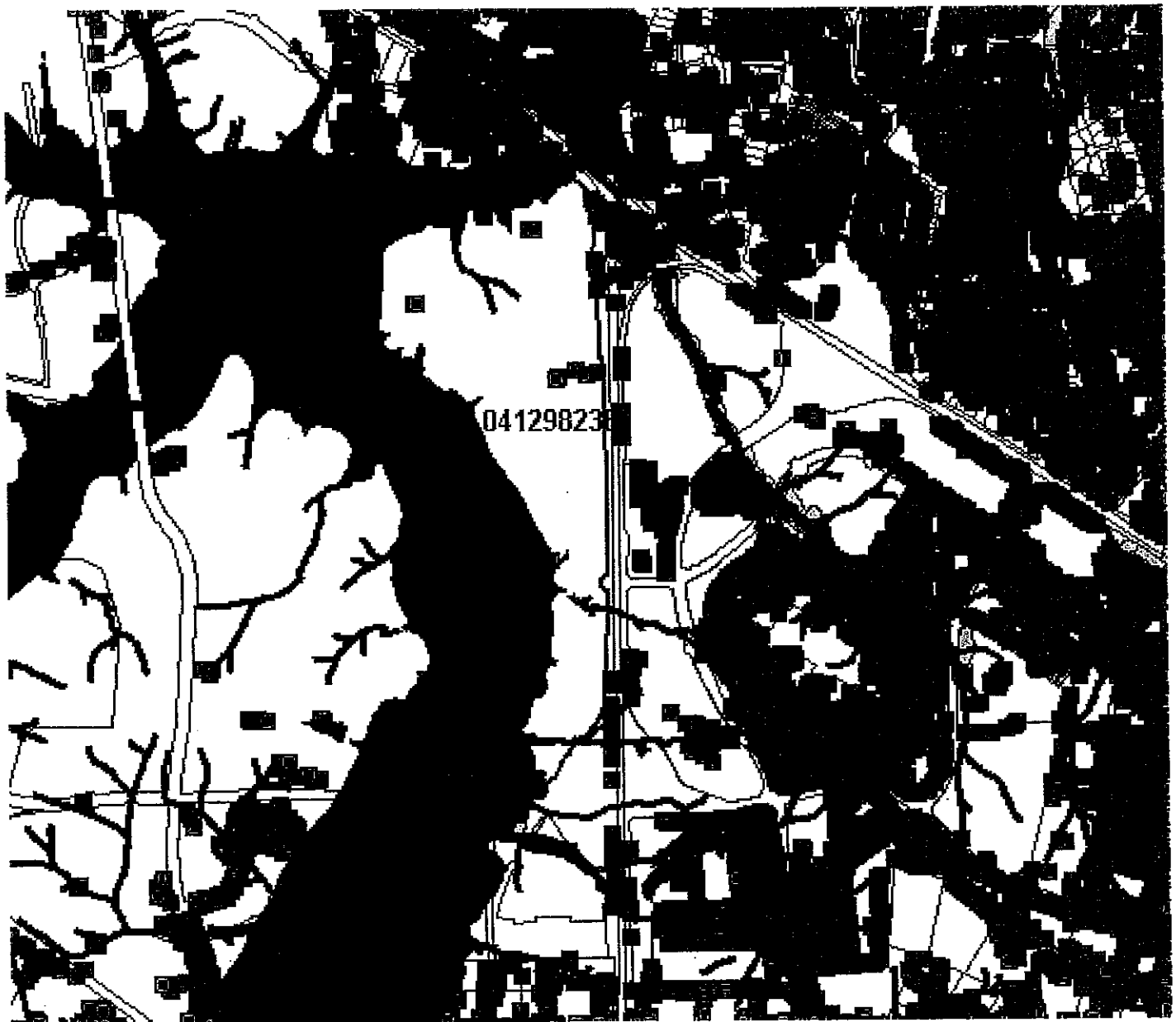


Existing Planned Land Use Map





-  Residential
-  Business
-  Keynote
-  Kincora Property and area of proposed Comprehensive Plan "Planned Land Use" map amendment

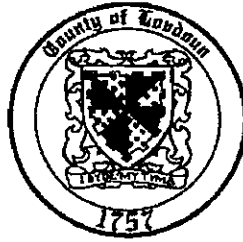


Existing Planned Land Use Map for Parcels
042-29-6582-000 & 042-49-0209-000



Environmental Map

-  Floodplain
-  Wetlands
-  Trees
-  Kincora Property and area of proposed Comprehensive Plan "Planned Land Use" map amendment



#5

DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: November 14, 2007

ZMAP 2006-0016, Kincora

DECISION DEADLINE: December 18, 2007

ELECTION DISTRICT: Broad Run PROJECT PLANNER: John Merrithew

EXECUTIVE SUMMARY

NA Dulles Real Estate Investor LLC of Great Falls, Virginia has submitted an application to rezone approximately 425 acres from PD-IP (Planned Development – Industrial Park) to PD-OP (Planned Development – Office Park) and PD-TC (Planned Development – Town Center).

The proposal is to develop up to 4,963,100 square feet of office, hotel and commercial retail space and up to 1068 residential multifamily units at approximately 16 units per acre in a mixed use concept similar to One Loudoun and Lansdowne Village Green. Approximately 4,400,000 square feet of office space can be developed under current zoning.

The application proposes 22 modifications of Zoning Ordinance, 4 modifications to the Facilities Standards Manual and 1 modification of the Land Subdivision and Development Ordinance (Refer to Section IV.D). The project is also relying on a Community Development Authority (CDA) approach to financing road improvements. Finally, the application also requires the Board agree to revise an open space easement currently binding the floodplain part of the property to reflect changes in the floodplain boundary.

The property is in the southwest quadrant of the Harry Byrd Highway (Route 7) and Sully Road (Route 28) interchange, between Route 28 and the Broad Run. The area falls within the Route 28 Highway Improvement Tax District and is planned for Keynote Employment and Destination Retail. Two planned transportation links, Gloucester Parkway and Pacific Boulevard, cross the property: The site includes 3.2 miles of Broad Run shoreline, 1.6 miles of frontage on Route 28, 167 acres of floodplain, steep slopes and habitat resources including a large heron rookery.

Recommendations

The Planning Commission recommended approval with the additional recommendations that (1) Gloucester Parkway be constructed earlier in the development program; and (2) that the Board of Supervisors approve the associated Community Development Authority.

Staff cannot support the application because it conflicts with County land use policy.

SUGGESTED MOTIONS

A. ZMAP 2006-0016

1. I move that the Board of Supervisors forward ZMAP 2006-0016, Kincora, to the Transportation/Land Use Committee for further review.
- Or
2. I move that the Board of Supervisors forward ZMAP 2006-0016, Kincora, to the December 4, 2007 Business Meeting for final action.
- Or
3. I move an alternate motion.

B. Community Development Authority (*Refer to discussion on Page 25*)

1. I further move that the Staff be directed to work with the applicant and potential petitioner to develop the petition to create the district, the ordinance necessary to establish the CDA and the Memorandum of Understanding between the CDA and the County.
- Or
2. I move an alternate motion.